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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,701	02/23/2004	Chin-Sung Tsai	P-3641.275	1326

7590 02/24/2005

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EXAMINER
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BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/784,701

Applicant(s)

TSAI, CHIN-SUNG

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: in lines 15-16 of pg. 1 the phrase "every one of the shock absorber" should be reworded for grammatical purposes, in line 15 of pg. 2 the phrase "in accordance the present invention" should also be reworded.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of the second nut being "immovable relative to the two resilient elements" as claimed in line 3 of claims 5 and 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Please see the 112 rejection of claims 5 and 6 for clarification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 3 and 4. The phrase "the first nuts" in the last line of the claims lacks proper antecedent basis. The claims recite in lines 1-2 that each of the two resilient elements is equipped with a first nut firmly connected to a first end of each of the resilient elements. Such a situation is exists for example with nut 4 in figure 2 of US Patent 1557886 Shartle, Jr.

Re: claims 5 and 6. The phrase "immovable relative to the two resilient elements" is indefinite since it is incorrect with regards to one of the resilient elements. As shown in figure 3, for example, when second nut 42 is moved due to compression

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and expansion of resilient element 4, the second nut is movable relative to the resilient element 3.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2253557 to Collins.

Re: claim 1. Collins shows in figure 2 a shock absorber (a device that absorbs shock by virtue of the presence of the springs) capable of being used for a bicycle front fork, the shock absorber comprising: a bolt 52,62, a driving rod shown to the left of element 62 extending into and securely received in an open end of the bolt, two resilient elements 59,60 movably mounted around the bolt, and a knob 61 securely engaged with a free end of the driving rod to drive the driving rod and the bolt to rotate such that the two resilient elements are extended or compressed on the bolt in opposite directions.

Re: claim 2. Collins shows in figure 2 the limitation wherein the bolt has a flange 42a formed on a mediate portion of the bolt, a first screw shown in the area of element 53 and a second screw shown in the area of element 54 both formed on an outer periphery of the bolt, a rotational direction of the first screw (particularly, a clockwise

rotational direction of the first screw) is opposite to a rotational direction of the second screw (particularly, a counterclockwise rotational direction of the second screw).

Re: claims 3 and 4. Collins shows in figure 2 the limitation wherein each of the two resilient elements is equipped with a first nut 53, 54 firmly connected to a first end of each of the resilient elements and threadingly and movably mounted on the bolt so that the two resilient elements are able to extend or compress in opposite directions as the knob is rotated, the first nuts are immovable relative to the two resilient elements, as best understood.

Re: claims 5 and 6. Collins shows in figure 2 the limitation wherein each of the two resilient elements is equipped with a second nut shown to the right of element 57 firmly connected to a second end of each of the resilient elements (by way of the firm connection of the nut to elements 55 and 57 which are in turn connected the second ends of the resilient elements via intervening elements, as broadly claimed, and as best understood) and immovable relative to the two resilient elements (after being tightened into its static position) so that the two resilient elements are able to extend or compress in opposite directions as the knob is rotated.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 5209138 to Shu, 1232912 to Glass, 2099807 to Gregory, and 1557886 to Shartle, Jr. teach the use of shock absorbers having two resilient elements coaxial with a rod, 1062312 to Watson shows the use of a device having two resilient elements each being housed between respective pairs of ferrules,

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2581080 to Cushman teaches the use of bolt having a righthand screw portion and a lefthand screw portion and two resilient elements being housed between respective pairs of stopper-type elements, 4972760 to McDonnell teaches the use of a drive rod fitting into a bolt that is driven to compress or expand two resilient elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mmb*

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February 18, 2005

*Melody M. Burch*

*2/18/05*